THE HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO. 24737 OF 2002

DATED: 02-08-2007

BETWEEN:

M/s. Sree Maheshwara Industries
(Nandini Oil Mill) Kothapalli,
Service Connection No.1162, rep.by
its Proprietor E. Krishna Murthy

…Petitioner

and

The Superintendent Engineer,
A.P. Transco, Warangal,
Warangal District
And four others

…Respondents

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WRIT PETITION NO. 24737 OF 2002

ORDER:

This writ petition is filed by the petitioner questioning the proceedings of the 4th respondent-Additional Assistant Engineer under which a letter was addressed to the 3rd respondent-Assistant Divisional Engineer directing him to disconnect the power supply to the petitioner's rice mill as per the telephonic message of the fifth respondent-Joint Collector dated 12-06-2002 and further oral instructions of the second respondent-Divisional Electrical Engineer (Operations).

According to the petitioner, he has been running the rice mill after obtaining the necessary licences and also obtaining the power supply. He has been paying the consumption charges payable as per the power supply, but however on the allegations that the petitioner was purchasing rice, which is meant for food for work, the Joint

Collector initiated proceedings by issuing a show cause notice dated 20-06-2002. But, at the same time instructed the other respondents for disconnecting the power supply to the petitioner's rice mill. This Court suspended the said order of disconnection and directed for restoration of the power supply to the petitioner's unit and the said order, which was passed on 06.12.2002 was made absolute on 14-06-2004.

A counter is filed on behalf of the respondents by the fourth respondent taking the stand that he has ordered disconnection of the power supply as per the orders of the Joint Collector, Warangal as the petitioner was involved in a clandestine business of purchasing rice meant for food for work. There is no other ground for disconnection. But however in the counter, the respondents did not state anywhere as to how they are entitled to disconnect the power supply to the petitioner's rice mill, even assuming that the petitioner was carrying clandestine business of purchasing the rice, which was meant for food of work.

No counter is filed on behalf of the fifth respondent-Joint Collector.

Since there are no violations or contraventions with reference to the terms of power supply, the respondents 1 to 4 are not entitled to disconnect the power supply merely on certain directions of the fifth respondent.

Under the above circumstances, the impugned proceedings are set aside. However, this order does not preclude the concerned authorities having jurisdiction to take appropriate action with reference to the alleged clandestine business, if any carried on by the petitioner.

Accordingly, writ petition is allowed. No order as to costs.

S. ANANDA REDDY, J.

Dated: 02-08-2007
Rns